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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 DAVID D. DELAY,  
15 Defendant.  
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Case No. CR15-175RSL

ORDER DENYING MOTION  
TO CONTINUE TRIAL

17 This matter comes before the Court on defendant's "Motion to Continue Trial." Dkt. #  
18 440. After five previous continuances, trial is currently scheduled to begin Monday, October 23,  
19 2017. See Dkt. # 403, 422. Defendant moves the Court for a sixth continuance, asserting that  
20 more time is needed to review data the government recently retrieved from defendant's iPhone  
21 and subsequently turned over to the defense. In particular, defendant submits that there will not  
22 be enough time to prepare for trial and also review the relevant messages, chats, and emails  
23 retrieved from defendant's phone. The government opposes defendant's motion, pointing out  
24 that most of the information does not require detailed review, because only a small fraction of  
25 the recovered communications involve government witnesses. The government further submits  
26 that the software for reviewing the information provides sufficient filtering and search features  
27 for the defense team to efficiently review all the information that is relevant.  
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After considering the memoranda submitted by both parties, the Court concludes the circumstances do not warrant a sixth continuance. The tools available for reviewing the information retrieved from defendant's phone will allow the defense team to winnow that information considerably and sort for the communications that require review. Additionally, the defense has already had a significant period of time to prepare for trial. To prepare that case, the Court has approved the appointment of two experienced defense attorneys and, to support them, the help of paralegals, experts, and a variety of other requested resources. It may take some additional time and effort, but the Court is confident the time remaining before trial provides defendant's legal team enough time to review the relevant information and still adequately prepare for trial.

For the foregoing reasons, defendant's motion is DENIED.

DATED this 12th day of October, 2017.

Robert S. Lasnik  
Robert S. Lasnik  
United States District Judge